

# Exhibit 11

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS  
3 DOCKET NO. 1:13-MD-2419 (RWZ)  
4 IN RE: NEW ENGLAND COMPOUNDING  
5 PHARMACY, INC. PRODUCTS  
6 LIABILITY LITIGATION

7 THIS DOCUMENT RELATES TO:

8 ARMETTA, ET AL. V. BOX HILL SURGERY CENTER,  
9 LLC, ET AL.  
10 NO. 1:14-CV-14022-RWZ

11 BOWMAN, ET AL. V. BOX HILL SURGERY CENTER,  
12 LLC, ET AL.  
13 NO. 1:14-CV-14028-RWZ

14 DAVIS, ET AL. V. BOX HILL SURGERY CENTER,  
15 LLC, ET AL.  
16 NO. 1:14-CV-14033-RWZ

17 DREISCH, ET AL. V. BOX HILL SURGERY CENTER,  
18 LLC, ET AL.  
19 NO. 1:14-CV-14029-RWZ

20 FARTHING, ET AL. V. BOX HILL SURGERY CENTER,  
21 LLC, ET AL.  
22 NO. 1:14-CV-14036-RWZ

23 KASHI, ET AL. V. BOX HILL SURGERY CENTER,  
24 LLC, ET AL.  
25 NO. 1:14-CV-14026-RWZ

TORBECK, ET AL. BOX HILL SURGERY CENTER,  
LLC, ET AL.  
NO. 1:14-CV-14023-RWZ

HANDY, ET AL. V. BOX HILL SURGERY CENTER,  
LLC, ET AL.  
NO. 1:14-CV-14019-RWZ

DEPONENT: LAXMAIAH MANCHIKANTI, M.D.  
DATE: FEBRUARY 16, 2017  
REPORTER: CHELSEA SEVILLA-LOZADA

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS:</p> <p>4 JAY D. MILLER</p> <p>5 SILVIO TRENTALANGE</p> <p>6 LAW OFFICES OF PETER G. ANGELOS, P.C.</p> <p>7 100 NORTH CHARLES STREET, 22ND FLOOR</p> <p>8 BALTIMORE, MARYLAND 21201</p> <p>9 TELEPHONE NO.: (410) 649-2000</p> <p>10 E-MAIL: JMILLER@LAWPGA.COM</p> <p>11</p> <p>12 AND</p> <p>13</p> <p>14 HARRY M. ROTH</p> <p>15 COHEN PLACITELLA &amp; ROTH, P.C.</p> <p>16 201 MARKET STREET, SUITE 2900</p> <p>17 PHILADELPHIA, PENNSYLVANIA 19103</p> <p>18 TELEPHONE NO.: (215) 567-3500</p> <p>19 E-MAIL: HROTH@CPRLAW.COM</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2 Page</p> <p>3 DIRECT EXAMINATION BY MR. MILLER 6</p> <p>4 EXAMINATION BY MR. ROTH 113</p> <p>5 CROSS EXAMINATION BY MR. KIRBY 177</p> <p>6 REEXAMINATION BY MR. ROTH 192</p> <p>7</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 Page</p> <p>11 34 FDA BRIEFING 62</p> <p>12 36 ASSESSMENT OF INFECTION CONTROL 123</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, BOX HILL SURGERY CENTER:</p> <p>4 GREGORY K. KIRBY</p> <p>5 PESSIN KATZ LAW, P.A.</p> <p>6 901 DULANEY VALLEY ROAD, SUITE 500</p> <p>7 TOWSON, MARYLAND 21204</p> <p>8 TELEPHONE NO.: (410) 938-8800</p> <p>9 E-MAIL: GKIRBY@PKLAW.COM</p> <p>10</p> <p>11 ON BEHALF OF THE DEFENDANT, SPECIALTY SURGERY CENTER:</p> <p>12 ASHLEY GENO</p> <p>13 BREWE, KRAUSE, BROOKS &amp; CHASTIN, PLLC</p> <p>14 611 COMMERCE STREET, SUITE 2600</p> <p>15 NASHVILLE, TENNESSEE 37203</p> <p>16 TELEPHONE NO.: (615) 256-8787</p> <p>17 E-MAIL: AGENO@BKBLAW.COM</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 STIPULATION</p> <p>2</p> <p>3 The deposition of LAXMAIAH MANCHIKANTI, M.D. taken at</p> <p>4 THE PAIN CENTER, 2831 LONE OAK ROAD, PADUCAH, KENTUCKY</p> <p>5 42003 on THURSDAY, the 16TH day of FEBRUARY, 2017 at</p> <p>6 approximately 10:00 A.M. CST; said deposition was taken</p> <p>7 pursuant to the FEDERAL Rules of Civil Procedure. It is</p> <p>8 agreed that CHELSEA SEVILLA-LOZADA, being a Notary</p> <p>9 Public and Court Reporter for the State of Kentucky, may</p> <p>10 swear the witness.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 90</p> <p>1 around, so...</p> <p>2 Q Okay. So let me -- I take it, then, you would</p> <p>3 disagree with this statement. A physician cannot</p> <p>4 prescribe a non-FDA approved medication without a</p> <p>5 specific reason for an individual patient? You disagree</p> <p>6 with that, don't you?</p> <p>7 MR. KIRBY: Objection to form. Asked and</p> <p>8 answered a long time ago. Go ahead.</p> <p>9 A Again, I think you may have changed the</p> <p>10 question somewhere there. Without a specific reason, I</p> <p>11 didn't say that. There should be a specific reason.</p> <p>12 Specific reason is putting that in the epidural space to</p> <p>13 manage whatever the problem they have, spinal pain in</p> <p>14 this case for epidural injection, so that is a specific</p> <p>15 reason for that specific patient.</p> <p>16 Q Okay. So you agree that before you're going</p> <p>17 to use a non-FDA-approved drug, you have to have a</p> <p>18 specific reason, or a specific patient?</p> <p>19 MR. KIRBY: Objection to form. You asked the</p> <p>20 same question an hour ago. But, go ahead if you can</p> <p>21 answer it again.</p> <p>22 A Well you need a reason to order a drug for</p> <p>23 anyone whether it is an FDA drug, or FDA-approved drug,</p> <p>24 or non-FDA-approved drug, or any drug, there should be a</p> <p>25 specific reason to do so.</p>	<p style="text-align: right;">Page 92</p> <p>1 already developed significant experience with it, and</p> <p>2 she had bad experience with other ones, so what she was</p> <p>3 doing was the right thing, so -- and that is the</p> <p>4 standard of care. That is what all the physicians do.</p> <p>5 Q I thought I had asked you whether or not it</p> <p>6 was reasonable for her to at least have conducted a</p> <p>7 Google search.</p> <p>8 A Well, that's, again, a hypothetical question.</p> <p>9 Anybody can conduct a Google search, or may not conduct</p> <p>10 a Google search, and there is no guarantee that you will</p> <p>11 find anything, and the Google search would be in 2003,</p> <p>12 because that is when she started using it. Google</p> <p>13 searches were not that great in 2003.</p> <p>14 Q Well, when she went out on her own, would you</p> <p>15 have expected it to be reasonable that she, well, let me</p> <p>16 make sure that NECC is still a reliable safe compounder.</p> <p>17 How long did it take to hit a search button on the</p> <p>18 computer?</p> <p>19 MR. KIRBY: Objection to form, foundation. Go</p> <p>20 ahead.</p> <p>21 A Well, how long it takes to hit such a button</p> <p>22 depends on each person's typing skills and searching</p> <p>23 skills, but, again, she can't sit down there and Google</p> <p>24 search each drug she is using. She is using sodium</p> <p>25 chloride solution. She is using several other drugs.</p>
<p style="text-align: right;">Page 91</p> <p>1 BY MR. MILLER:</p> <p>2 Q And is that why there's a regulation requiring</p> <p>3 individual prescriptions for each individual patient?</p> <p>4 MR. KIRBY: Objection to form.</p> <p>5 A Again, I'm not quite certain if that</p> <p>6 regulation applies to physicians. I'm not even sure it</p> <p>7 is a regulation. As I said, we do not see any policies</p> <p>8 or regulations from Boards of Medical Licensure, and</p> <p>9 from DEA. The prescription regulations, all of them</p> <p>10 come from DEA. If DEA makes the recommendations, it</p> <p>11 gives black box warnings, things like that, but how you</p> <p>12 do the prescriptions comes from DEA.</p> <p>13 Q Do you recall in your report saying that</p> <p>14 because Dr. Bhambhani had no prior problems with NECC,</p> <p>15 she was free to continue to order from them without</p> <p>16 conducting any research?</p> <p>17 A Yes. I have said that on multiple occasions</p> <p>18 during this testimony. That's true.</p> <p>19 Q Is it reasonable to expect Dr. Bhambhani to at</p> <p>20 least conduct a Google search on NECC prior to using it?</p> <p>21 MR. KIRBY: Objection to form, foundation. You</p> <p>22 can answer.</p> <p>23 A Not necessarily. She already was experienced</p> <p>24 with this. She could have done that before she started</p> <p>25 in 2003, I guess you can make a case about that, but she</p>	<p style="text-align: right;">Page 93</p> <p>1 So if she has to look for each and every drug, there was</p> <p>2 no reason for it. If there were any complaints came to</p> <p>3 her notice, she was aware of anything, then it would</p> <p>4 have been reasonable for her or her -- whoever she</p> <p>5 appointed to look into that. But there was no reason to</p> <p>6 do that. She already began very comfortable, and that</p> <p>7 is what the majority of the doctors do with the new</p> <p>8 practices they start their own practices, they do that.</p> <p>9 The doctors who left from our surgery center here, they</p> <p>10 do the same thing. They took materials from here, they</p> <p>11 took questionnaires, informed consents, and everything,</p> <p>12 and they start following them, and they're not doing</p> <p>13 independent searches.</p> <p>14 Q Had you seen the FDA warning letter of 2006,</p> <p>15 NECC?</p> <p>16 A I have seen it now, but not before 2012.</p> <p>17 Q Do you know if Dr. Bhambhani had done a search</p> <p>18 in 2007?</p> <p>19 A No. She has not done any searches in 2007.</p> <p>20 Q If she had never done a search, but if she had</p> <p>21 done one, you don't know whether or not that letter</p> <p>22 would've showed up, right?</p> <p>23 MR. KIRBY: Objection to form, foundation,</p> <p>24 calls for speculation. Go ahead.</p> <p>25 A Well, hypothetically, if she sat down there</p>

<p style="text-align: right;">Page 102</p> <p>1 this objection.</p> <p>2 MR. KIRBY: Okay. Thank you. I'll call him</p> <p>3 back in. By the way, while he's out, what's the --</p> <p>4 how much longer do you think you have, Jay, because</p> <p>5 I know then Harry probably has some questions, too.</p> <p>6 MR. MILLER: I've got to stop probably at</p> <p>7 around quarter of 3:00.</p> <p>8 MR. MILLER: Meaning the deposition has to be</p> <p>9 done by then?</p> <p>10 MR. MILLER: No. I'm going to -- I'll let --</p> <p>11 I'll stop questioning, Glenn will take over and let</p> <p>12 Harry do his questioning, but we'll be done our part</p> <p>13 by quarter of 3:00.</p> <p>14 MR. KIRBY: Okay. Harry, do you think -- do</p> <p>15 you think with your questioning, I don't know how</p> <p>16 much you have, that we could be done by 4:30? Wait,</p> <p>17 wait, wait. So we're on -- we're in separate time -</p> <p>18 - this can be off the record, by the way.</p> <p>19 (OFF THE RECORD)</p> <p>20 BY MR. MILLER:</p> <p>21 Q Doctor, I want to clarify this paragraph that</p> <p>22 begins "If or when she obtained materials from NECC, she</p> <p>23 saw or would have seen representations by NECC," and</p> <p>24 then there's about seven lines of different</p> <p>25 representations. Isn't it true that you now know that</p>	<p style="text-align: right;">Page 104</p> <p>1 just talking about, at the very end reinforces the</p> <p>2 propriety of Box Hill's due diligence prior to</p> <p>3 purchasing from NECC.</p> <p>4 A Which one is that?</p> <p>5 MR. KIRBY: What's the question?</p> <p>6 A What page are we talking about?</p> <p>7 Q Page 8, the same paragraph we were just</p> <p>8 talking about, the very last line of that paragraph.</p> <p>9 A Oh, okay.</p> <p>10 Q Reinforces the propriety of Box Hill's due</p> <p>11 diligence prior to purchasing from NECC. Due -- what</p> <p>12 due diligence did Dr. Bhambhani exercise?</p> <p>13 MR. KIRBY: Objection to form, foundation, and</p> <p>14 the commentary before the question.</p> <p>15 A Well, if you are reading -- if I'm reading</p> <p>16 that sentence that is related to your question, there</p> <p>17 were no guidelines from any major medical associations,</p> <p>18 that is true, there were no guidelines for her to do a</p> <p>19 due diligence, or for -- by her surgery center prior to</p> <p>20 purchasing medication compounded such as NECC.</p> <p>21 Q My question is what due diligence did Dr.</p> <p>22 Bhambhani do? She did nothing, right?</p> <p>23 MR. KIRBY: Objection. Asked and answered.</p> <p>24 A Well, her own experience is the due diligence</p> <p>25 to a great extent. Then she did not do any additional</p>
<p style="text-align: right;">Page 103</p> <p>1 Dr. Bhambhani didn't see any representations from NECC,</p> <p>2 correct?</p> <p>3 A That's correct.</p> <p>4 Q So his opinion, then, really isn't applicable</p> <p>5 anymore. I mean, there was no reassurance from any</p> <p>6 representation, because we know she didn't get any,</p> <p>7 correct?</p> <p>8 MR. KIRBY: Objection to form.</p> <p>9 A Yes. That's correct, she has not seen any of</p> <p>10 this.</p> <p>11 Q Okay. Is your opinion that Dr. Bhambhani had</p> <p>12 no inclination to do any investigation, however limited,</p> <p>13 of NECC prior to using them at Box Hill based in part</p> <p>14 because she had had this prior experience with NECC at</p> <p>15 her prior employer?</p> <p>16 MR. KIRBY: Objection to form. You can answer.</p> <p>17 A Well, not in part. She had the prior</p> <p>18 experience of her own, and that doesn't have anything to</p> <p>19 do with the prior employer. The prior employer was the</p> <p>20 one who initiated -- in any case, she was practicing on</p> <p>21 her own, whether she was employed by someone else or</p> <p>22 that -- that suffices to make orders from the same</p> <p>23 entity where you are getting them from. That is</p> <p>24 satisfactory. That is standard of practice.</p> <p>25 Q Well, continuing with that propriety we were</p>	<p style="text-align: right;">Page 105</p> <p>1 due diligence and that is what we are saying. I am</p> <p>2 saying, that there are no guidelines to do such thing,</p> <p>3 for example, we did not do any due diligence either</p> <p>4 afterwards, or before, so that is the standard practice</p> <p>5 among surgery centers, and offices, and by physician</p> <p>6 practices.</p> <p>7 Q So if we take away her prior employment</p> <p>8 experience, I want you to assume hypothetically that Dr.</p> <p>9 Bhambhani started practice on her own in 2007, has never</p> <p>10 heard of NECC, and says "I've got to purchase a</p> <p>11 compounded drug," opens a phone book up and picks NECC,</p> <p>12 do your testimony and your opinions that's all she's</p> <p>13 required to do, if they're a licensed compounding</p> <p>14 pharmacy, she's met the standard of care?</p> <p>15 MR. KIRBY: Objection to form, foundation, the</p> <p>16 hypothetical nature, and facts not in evidence. You</p> <p>17 can answer.</p> <p>18 A Well, as you said, it is completely</p> <p>19 hypothetical, but if that situation arises, if she opens</p> <p>20 the telephone book, she will not find NECC there. The</p> <p>21 way she will find where to get these drugs is, again,</p> <p>22 she has to go back to her previous employer or where she</p> <p>23 was trained, or a senior or a friend, or somebody else</p> <p>24 and find out about the information, and then if she is</p> <p>25 not satisfied with that information, then she may check</p>

27 (Pages 102 - 105)